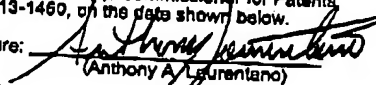


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (874) 273-0025 at MS 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.
Dated: December 12, 2006 Signature: 
(Anthony A. Laurentano)

Docket No.: SIW-063RCE
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshinobu Hasuka *et al.*

Application No.: 10/619,408

Filed: July 15, 2003

For: IDLE CONTROL SYSTEM FOR FUEL CELL
VEHICLE

Allowed: February 23, 2006 **FAX RECEIVED**

Confirmation No.: 7646

DEC 12 2006

Art Unit: 3618

OFFICE OF PETITIONS

Examiner: K. E. Campbell

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313(c)(2)**

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner hereby petitions the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on May 22, 2006.

Please charge our Deposit Account No. 12-0080 in the amount of \$920.00 covering the fees set forth in 37 CFR 1.17(h) and 1.17(e).

Petitioner respectfully petitions that the above-identified application be withdrawn from issue pursuant to 37 CFR 1.313(c)(2). Petitioner encloses herewith a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS) pursuant to this provision. The IDS submits art with the USPTO that we first cited in the counterpart Japanese application No. 2002-208224 in an Office Action dated December 5, 2006. Petitioner believes it appropriate to submit the art with the USPTO for consideration.

12/14/2006 CKHLOK 00000004 120080 10619408

01 FC:1464 130.00 DA

Application No.: 10/619,408

Docket No.: SIW-063RCE

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. SIW-063RCE.

Dated: December 12, 2006

Respectfully submitted,

By 

Anthony A. Laurentano

Registration No. 38,220

LAHIVE & COCKFIELD, LLP

One Post Office Square

Boston, Massachusetts 02109-2127

(617) 227-7400

(617) 742-4214 (Fax)

Attorney/Agent For Applicant

FAX TRANSMISSION**FAX RECEIVED****DATE:** December 12, 2006

DEC 12 2006

PTO IDENTIFIER: Application Number 10/619,408-Conf. #7646
Patent Number**OFFICE OF PETITIONS****Inventor:** Yoshinobu HASUKA et al.**MESSAGE TO:** Office of Petitions**FAX NUMBER:** (571) 273-0025 **Attention:** Karen Creasy**FROM:** LAHIVE & COCKFIELD, LLP
Anthony A. Laurentano**PHONE:** (617) 227-7400**Attorney Dkt. #:** SIW-063RCE**PAGES (Including Cover Sheet):** 74

CONTENTS:

- Petition to Withdraw Application From Issue (RCE) (2 pages)
- Petition Fee Transmittal (1 page in duplicate)
- Request for Continued Examination Transmittal (1 page)
- Fee Transmittal (1 page in duplicate)
- Request for Change of Attorney Docket Number (1 page)
- Supplemental Information Disclosure Statement (2 pages)
- IDS (Citation by Applicant)/SB-08 (1 page)
- Copies of three references cited
- Charge \$920.00 to deposit account 12-0080
- Certificate of Transmission (1 page)

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PETITION FEE **Under 37 CFR 1.17(f), (g) & (h)** **TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to:

MS 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/619,408-Conf. #7646
Filing Date	July 15, 2003
First Named Inventor	Yoshinobu HASUKA
Art Unit	3618
Examiner Name	K. E. Campbell
Attorney Docket Number	SIW-063RCE

FAX RECEIVED

DEC 12 2006

OFFICE OF PETITIONS

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.
This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/171.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 12-0080 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1482

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants.
- § 1.63(e) - to accord a filing date.
- § 1.67(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1483

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.138(b) - for review of a request for extension of time when the provisions of section 1.138(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.658 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 6.12 - for expedited handling of a foreign filing license.
- § 6.15 - for changing the scope of a license.
- § 6.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1484

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.81 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.438(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

Anthony A. Laurentano

Typed or printed name

December 12, 2006

Date

38,220

Registration No., if applicable

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Dated: December 12, 2006

Signature:

Anthony A. Laurentano

(Anthony A. Laurentano)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/859/17 (07-06)

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 790.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 12-0080 Deposit Account Name: Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

(round up to a whole number) x

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1801 Request for continued examination (RCE) (see 37....) 780.00

SUBMITTED BY

Signature	<u>Anthony A. Laurentano</u>	Registration No. (Attorney/Agent)	38,220	Telephone	(617) 227-7400
Name (Print/Type)	Anthony A. Laurentano	Date	December 12, 2006		

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Dated: December 12, 2006 Signature: Anthony A. Laurentano (Anthony A. Laurentano)